

CMR

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RODNEY HOJNOWSKI,
Plaintiff,

v.

BERKS COUNTY, et al.,
Defendants.

Civil Action No. 13-5618

FILED

JAN 28 2015

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 28th day of January 2015, upon consideration of the Berks County Defendants' Motion to Dismiss [Doc. No. 29], and Plaintiff's response thereto, and for the reasons stated in the attached Memorandum Opinion, it is hereby **ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part, as follows:

1. The Motion is **GRANTED** with prejudice as to federal Count I;
2. The Motion is **GRANTED** with prejudice as to federal Count III, insofar as the claims arise from events of March 20, 2012;
3. The Motion is **DENIED** without prejudice as to the alternative grounds for liability set forth in federal Count III, insofar as Count III pertains to the treatment of Plaintiff during his time in Berks County Central Booking on March 25-26, 2012;
4. The Motion is **DENIED** without prejudice as to the request for punitive damages.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.